

DISPOSITION: December 24, 1942. Frederick Stearns and Co., claimant, having withdrawn its answer to the libel with the permission of the court, judgment was entered ordering that the product be destroyed.

1595. Misbranding of Kaldak. U. S. v. 9 Cans and 12 Cans of Kaldak, and a number of circulars and leaflets (and 1 other seizure action against Kaldak and printed matter). Consent decree of condemnation. (F. D. C. No. 12487. Sample No. 77643-F, 77652-F.)

LIBELS FILED: May 31 and June 15, 1944, Eastern District of Pennsylvania; amended libel filed March 2, 1945, Western District of Michigan.

ALLEGED SHIPMENT: On or about May 1 and 27, 1944, by the Kaldak Co., from Lansing, Mich.

PRODUCT: 33 5-ounce cans and 24 12-ounce cans of *Kaldak* at Philadelphia, Pa.; also a number of accompanying circulars entitled "Faulty body chemistry may often contribute to symptoms of * * *" and leaflets entitled "Proof Aplenty about Kaldak."

Examination of a sample indicated that the product had essentially the composition stated on the label. Chemical analysis showed that the product contained, in each 10 grams, 0.52 gram of phosphorus, 0.45 gram of calcium, and 0.021 gram of iron.

LABEL, IN PART: "Kaldak A Dietary Food Supplement Providing Natural Vitamin B Complex, Vitamin D, Iron, Calcium and Phosphorus." The label also represented the product as containing dried brewer's yeast, reduced iron, dicalcium phosphate, and irradiated yeast.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the leaflets and circulars were false and misleading since they represented and suggested that the article would be effective in the treatment and prevention of a wide variety of diseases, conditions, and symptoms, including arthritis, neuritis, colitis, constipation, anemia, digestive disorders, chronic fatigue, high blood pressure, thyroid trouble, sinus trouble, low blood pressure, kidney, liver, and gall bladder trouble, nervousness, shortness of breath, heartburn, dizziness, nausea, poor appetite, gas on the stomach, indigestion, a run-down condition, general debility, stomach and intestinal irritation, sleeplessness, inability to concentrate, worry, fear, pains in arms, shoulders, legs, or thighs, soreness in joints or muscles, sciatica, headaches, chronic inflammation of the colon or lower bowel, diabetes, colds, rheumatic conditions, rheumatism, and rectal abscesses. The article would not be effective in the treatment and prevention of the diseases, conditions, and symptoms stated and implied.

DISPOSITION: On June 23, 1944, the libel proceedings were ordered consolidated, and on July 5, 1944, pursuant to motion of the Kaldak Company, the claimant, the case was ordered transferred to the district court for the Western District of Michigan.

Following the transfer of the case, and with the consent of the claimant, an amended libel was filed on March 2, 1945, to charge the misbranding of the product as a drug rather than as a food, as was set forth in the original libels. Thereafter, an answer was filed by the claimant, denying that the product was misbranded as charged in the amended libel.

On September 14, 1945, the claimant having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered. A copy of the decree was subsequently transmitted to the United States attorney for the Eastern District of Pennsylvania, who thereupon issued instructions to the marshal for the destruction of the product.

DRUGS FOR VETERINARY USE*

1596. Misbranding of Russell's Korum and Russell's Spray Inhalant. U. S. v. I. D. Russell Co. Plea of nolo contendere. Fine, \$200 on count 1; sentence deferred on the remaining 3 counts. (F. D. C. No. 12553. Sample Nos. 6241-F to 6243-F, incl., 6955-F to 6957-F, incl., 28827-F, 28828-F.)

INFORMATION FILED: September 12, 1944, Western District of Missouri, against the I. D. Russell Co., a partnership, Kansas City, Mo.

ALLEGED SHIPMENT: Between the approximate dates of March 27 and May 29, 1943, from the State of Missouri into the States of Illinois and Georgia.

PRODUCT: Analyses of samples disclosed that the *Korum* consisted essentially of water containing small portions of sodium chlorate, potassium dichromate, potassium nitrate, sodium chloride, and epsom salt; and that the *Spray Inhal-*

*See also No. 1590.